

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRACIE SALGADO, as Special)	
Administrator of the Estate of)	
CARLOS SALGADO, and)	Case No.
TRACIE SALGADO, individually)	
)	Judge
Plaintiffs,)	
)	Magistrate Judge
)	
v.)	JURY DEMAND
)	
)	
P.O. JOHN DOE 1-2, individually,)	
)	
Defendant,)	

COMPLAINT

NOW COMES the Plaintiffs, TRACIE SALGADO, as Special Administrator of the Estate of CARLOS SALGADO and Individually by and through her attorneys, Gregory E. Kulis & Associates, Ltd., and complaining against the Defendant, P.O. JOHN DOE 1-2, individually, as follows:

COUNT I – EXCESSIVE FORCE

1) This action is brought pursuant the laws of the United States Constitution, specifically, 42 U.S.C. §1983 and §1988, and the laws of the State of Illinois to redress deprivations of the Civil Rights of the Plaintiff, TRACIE SALGADO, as Special Administrator of the Estate of CARLOS SALGADO, and accomplished by acts and/or of the Defendants, P.O. JOHN DOE 1-2, individually, committed under color of law.

2) Jurisdiction is based on Title 28 U.S.C. §1343 and §1331 and supplemental jurisdiction of the State of Illinois.

3) The Plaintiffs, TRACIE SALGADO, as Special Administrator of the Estate of CARLOS SALGADO, were at all relevant times, residents of Des Plaines, Illinois and husband and wife.

4) The Defendants, P.O. JOHN DOE 1-2, were at all relevant times, duly appointed Des Plaines Police Officers acting within the scope of their employment and under color of law.

5) On May 13, 2012, the decedent was driving home at approximately 3:30 p.m. in Des Plaines, Illinois.

6) The Defendants, P.O. JOHN DOE 1 made a traffic stop of the Plaintiff and JOHN DOE 2 backed him up in the vicinity of the 1900 block of East Touhy Avenue in Des Plaines.

7) Without just cause or just provocation, the Defendants, JOHN DOE 1, JOHN DOE 2 or both shot the Plaintiff.

8) Said use of deadly force was excessive and unreasonable.

9) The actions of the Defendant, P.O. JOHN DOE 1-2, were intentional, willful and wanton.

10) Said use of force was unprovoked and unwarranted.

11) As a result of the actions of the Defendants, P.O. JOHN DOE 1-2, the decedent, Plaintiff, CARLOS SALGADO was killed

12) Said actions of the Defendant, P.O. JOHN DOE 1-2, were in violation of the decedent, CARLOS SALGADO'S Fourth and Fourteenth Amendment rights as protected by 42 U.S.C. §1983.

13) As a result of said actions of the Defendants, P.O. JOHN DOE 1-2, the decedent, CARLOS SALGADO endured and the Estate of CARLOS SALGADO has incurred and will incur pain, suffering, permanent injury and loss of enjoyment of his life.

14) The children of CARLOS SALGADO will endure the loss of a father.

Wherefore the Plaintiff, TRACIE SALGADO, as Special Administrator of the Estate of CARLOS SALGADO, prays for judgment against the Defendant, P.O. JOHN DOE 1-2, for fair and reasonable compensatory damages and punitive damages plus attorneys' fees and costs.

COUNT II – BATTERY / STATE LAW

1-12) The Plaintiff's, TRACIE SALGADO, as Special Administrator of the Estate of CARLOS SALGADO, realleges and incorporates her allegations of paragraphs 3-14 of Count I as their respective allegations of paragraphs 1-12 of Count II as though fully set forth herein.

13) The actions of the Defendants, P.O. JOHN DOE 1-2 constitute battery under Illinois Law.

14) As a result of the actions of the Defendants, P.O. JOHN DOE 1-2, the decedent CARLOS SALGADO has incurred and will incur pain, suffering, permanent injury and loss of enjoyment of life

WHEREFORE the Plaintiff, TRACIE SALGADO, as Special Administrator of the Estate of CARLOS SALGADO, prays for judgment against the Defendant, P.O. JOHN DOE 1-2, for fair and reasonable compensatory damages and punitive damages plus attorneys' fees and costs.

COUNT III- TRACIE SALGADO-LOSS OF CONSORTIUM

1-13) The Plaintiff, TRACIE SALGADO, hereby realleges and incorporates the allegations of paragraphs 1-13 of Count II as her respective allegations of paragraph 1-13 of Count III as though fully set forth herein.

14) TRACIE SALGADO is the widow of CARLOS SALGADO and the mother of his two minor children.

15) As a result of the actions of the Defendant, P.O. JOHN DOE 1-2, the Plaintiff, TRACIE SALGALDO lost the physical companionship and consortium of her husband CARLOS SALGADO.

WHEREFORE the Plaintiff, TRACIE SALGADO, as Special Administrator of the Estate of CARLOS SALGADO, prays for judgment against the Defendant, P.O. JOHN DOE 1-2, for fair and reasonable compensatory damages and punitive damages plus attorneys' fees and costs.

JURY DEMAND

The Plaintiff, TRACIE SALGADO, as Special Administrator of the Estate of CARLOS SALGADO, and individually, hereby requests trial by jury.

Respectfully submitted,

TRACIE SALGADO

By: /s/ Gregory E. Kulis
Gregory E. Kulis & Associates, Ltd.

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